

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.1906 of 2013

M.Anaimuthu

.. Petitioner

vs.

The Corporation of Chennai
rep. by its Executive Engineer
Zone No.XIII, Zonal Office No.X
Dr.Muthulakshmi Salai
Adyar, Chennai - 600 020.

... Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the Letter No.114/2012, dated 28.12.2012 of the respondent and quash the same and consequently direct the respondent to consider and pass orders on the application of the petitioner dated 11.1.2013.

For Petitioner : Mr.K.Selvaraj

For Respondent : Ms.Karthikaa Ashok

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

On hearing learned counsel for parties, it transpires that, according to the petitioner, he purchased the property from the previous vendor when already the unauthorized construction was in existence. The notice for violation was issued on 28.11.2012, followed by the notice dated 28.12.2012 calling upon the petitioner to remove the unauthorized construction.

2. The learned counsel for the petitioner states that though there was unauthorized construction on the ground, first and second floors, in respect of the ground floor it

has been removed, a fact confirmed by the learned counsel for the respondent Corporation. However, rectification in respect of first and second floors has not been carried out.

3. The learned counsel for the petitioner states that the petitioner would like to make an endeavour to seek regularization, if any such regularization is permissible.

4. We are of the view that the following directions are liable to be issued:

- (a) The respondent/Corporation to carry out a fresh inspection and intimate the petitioner about the extent of deviation. The said exercise be undertaken within a month.
- (b) The respondent/Corporation will inform the petitioner whether any portion of it is capable of regularization and if so, on payment of what amount of charges. This intimation should be sent within 15 days of the expiry of the aforesaid period.
- (c) The petitioner would be required to pay the regularization charges, if any, and remove the non regularizable construction within a period of two months of such intimation.
- (d) The respondent will carry out a re-inspection 15 days thereafter to ensure full compliance, failing which they can straight away proceed to demolish the unauthorized construction.

5. The petition is disposed of in the aforesaid terms. No costs. Consequently, M.P.No.1 of 2013 is closed.

The Corporation may explore the possibility of making necessary rules to recover expenses for inspection in case of such unauthorized constructions, as it spends public money.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

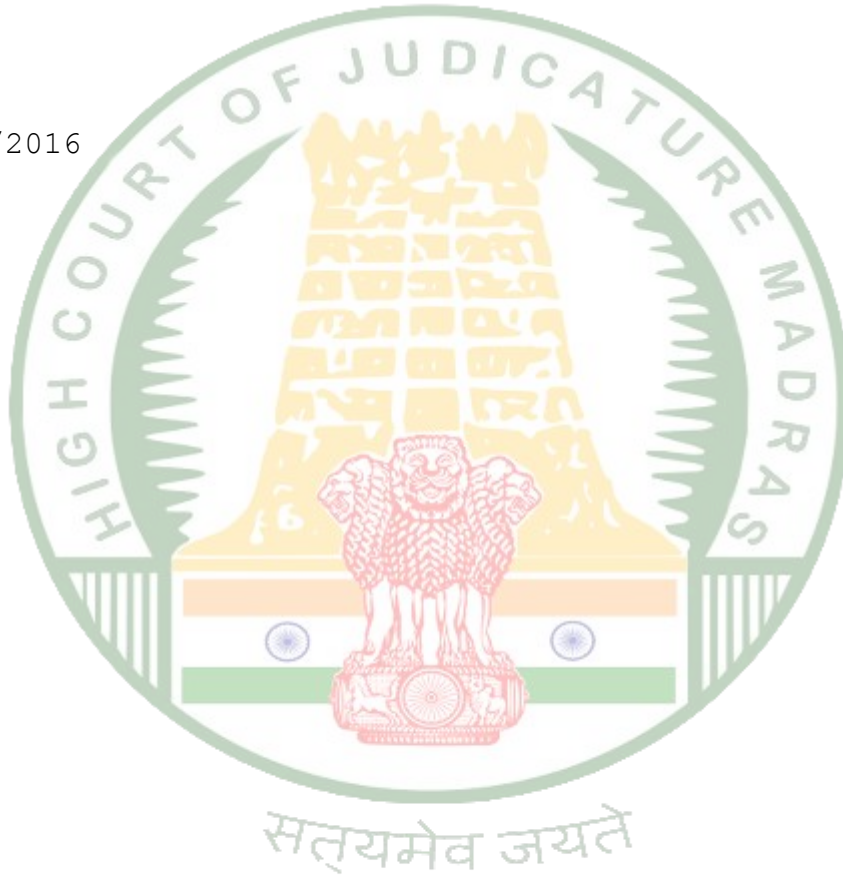
1.The Executive Engineer
Corporation of Chennai
Zone No.XIII, Zonal Office No.X
Dr.Muthulakshmi Salai
Adyar, Chennai - 600 020.

2.The Commissioner,
Corporation of Chennai,
Chennai-3.

+1cc to M/S.Karthikaa Ashok, Advocate Sr.66835
+1cc to Mr.K.Selvaraj, Advocate Sr.66840

W.P.No.1906 of 2013

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srg 30/11/2016



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